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**Federal Communications Commission**

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**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of

Adelphia Communications

Plymouth, Massachusetts

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File No. EB-04-BS-111

NOV No. V20053226003

**NOTICE OF VIOLATION**

**Released: Dec. 13, 2004**

By the District Director, Boston Office, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,<sup>1</sup> to Adelphia Communications operator of the cable system serving Plymouth, Massachusetts.

2. On November 11, 2004, agents of the Commission's Boston Office inspected the cable system serving Plymouth, Massachusetts and observed the following violations:

- a. 47 C.F.R. § 76.605(a)(12) "...signal leakage from a cable television system shall be measured... and shall be limited as follows:" This section requires that cable operators maintain their cable system signal leakage below 20  $\mu\text{V/m}$  in the frequency band between 54 MHz and 216 MHz. Signal leakage in excess of 20  $\mu\text{V/m}$  was measured at the following locations:

Date	Frequency (MHz)	Signal Strength ( $\mu\text{V/m}$ )	Location
11/11/04	133.2625	132	Front of 45 Davis St
11/11/04	133.2625	264	Snack Bar at Nelson St. Playground

- b. 47 C.F.R. § 11.35(a) "Broadcast stations and cable systems and wireless cable systems are responsible for ensuring that Emergency Alert System (EAS) Encoders, EAS Decoders and Attention Signal generating and receiving equipment used as part of the EAS are installed so that the monitoring and transmitting functions are available during the times the stations and systems are in operation. Additionally, broadcast stations, cable systems and wireless cable systems must determine the cause of any failure to receive the required tests or activations specified in §§ 11.61(a)(1) and (2)." Appropriate records must be maintained as specified in §

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<sup>1</sup> 47 C.F.R. § 1.89.

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76.1711. The EAS records at your facility contained no entries for EAS Monthly Tests after July, 2004 and there were no reasons given for the missing entries.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>2</sup> and Section 1.89 of the Commission's Rules, Adelphia Communications must submit a written statement concerning this matter within 20 days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of the licensee with personal knowledge of the matter. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission  
Boston Office  
One Batterymarch Park  
Quincy, MA 02169

4. This Notice shall be sent to Adelphia Communications, 35 Resnik Road, Plymouth, Massachusetts 02360.

5. The Privacy Act of 1974<sup>3</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>4</sup>

FEDERAL COMMUNICATIONS COMMISSION

Dennis V. Loria  
District Director  
Boston Office

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<sup>2</sup> 47 U.S.C. § 308(b).

<sup>3</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).

<sup>4</sup> 18 U.S.C. § 1001 *et seq.*